



**IT IS ORDERED as set forth below:**

**Date: September 24, 2012**

*Wendy L. Hagenau*

Wendy L. Hagenau  
U.S. Bankruptcy Court Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE: LANSDALE AUBREY LUCAS</b>	<b>:</b>	<b>CASE NO. 12-58779</b>
<b>and CLAIRE DORIS LUCAS,</b>	<b>:</b>	
	<b>:</b>	
<b>Debtors.</b>	<b>:</b>	<b>CHAPTER 13</b>
<b>SUNTRUST MORTGAGE, INC.,</b>	<b>:</b>	
	<b>:</b>	<b>CONTESTED MATTER</b>
<b>Respondent.</b>	<b>:</b>	

**CONSENT ORDER**  
**TO LIEN STRIP SECOND MORTGAGE AS UNSECURED**

THIS MATTER is before the Court on Debtor's Motion to Lien Strip Second Mortgage as Unsecured, filed May 1, 2012 at Doc. # 13, and amended on May 2, 2012 at Doc. # 15. Debtors' Motion sought a determination on the second priority lien (the "Lien") on its residence, located at 4123 Brooks Mill Drive, Decatur, Georgia 30038-4144. The Lien is held by the Respondent and evidenced in a Security Deed entered into by Debtors and Respondent on or about April 30, 2007 and recorded in the Official Real Estate Records of Dekalb County, Georgia in Deed Book 19952, at Page Number 622, then modified on November 15, 2007, filed on December 6, 2007 and recorded in the Official Real Estate Records of Dekalb County, Georgia in Deed Book 20487, at Page Number 380. Debtors argue that Respondent's Lien is completely unsecured because there is no value in Debtor's residence to which Respondent's junior Lien can attach; therefore Respondent's claim is unsecured pursuant to 11 U.S.C. 506(d) and 1322 (b)(2).

Debtor contends that notice of said hearing was properly given, and that upon said hearing date appearances were made by Counsel for the Debtors and Counsel for the Chapter 13 Trustee. No appearances were made by any other party in interest, and no Response/Objections to Debtors' Motion were timely filed.

At the call of the Court's calendar, Counsel for Debtors announced that they had reached an Agreement with the Respondent and wished to submit a Consent Order on the Motion.

As such, after review of the records and pleadings filed in this case, consideration of the announcement made at the call of the Court's calendar, by consent of the parties, and for good cause shown, it is hereby

**ORDERED** that Debtors' Motion is **GRANTED** as set forth herein.

**ORDERED** that effective upon entry of a Discharge Order under 11 U.S.C. 1328(a) in the Debtors' Chapter 13 case, any security interest and/or Lien of Respondent, evidenced by the Lien encumbering Debtors' real property listed above, in the aforementioned Official Real Estate Records of Dekalb County, Georgia is hereby avoided with respect to the interest in Debtors' real property. It is further

**ORDERED** that upon receipt of this Court's Discharge Order, Respondent's Lien shall become null and void and shall be automatically extinguished without further Court Order, pursuant to 11 U.S.C. 506(d). It is further

**ORDERED** that for purposes of distribution under Debtors' Chapter 13 Plan, any claim(s) filed by Respondent in relation to said physical property will be allowed as and funded as general, unsecured, non-priority Claim(s). It is further

**ORDERED** that in the event the Debtors' Chapter 13 Case is dismissed or converted to a Chapter 7, Respondent's Lien and security interest shall not be affected by this Order in accordance with 11 U.S.C. 349(1)(C) or 348 (f)(1)(B), as applicable.

The Clerk is directed to serve copies of this Order on the persons listed on the attached Distribution List.

**[END OF DOCUMENT]**

**Presented by:**

Burroughs Johnson Hopewell Coleman, LLC  
Attorneys for Debtors

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**Seen and Agreed to by:**

Kelli S. Lott for  
Attorney for Respondent

By: /s/ Kelli S. Lott

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